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General Counsel

# Purpose

This policy codifies the rules governing standards of conduct and ethical behavior expected of all employees of the department.

October 1, 2001

# **Policy Statements**

Case 1:04-cv-11935-DPW

- I. These rules are issued as general directives and do not attempt to cover each and every contingency that may arise during the performance of an employee's duties while employed by the Department.
- II. Nothing in any part of these rules shall be construed to relieve an employee of his or her primary responsibilities concerning the safekeeping and custodial care of inmates, or from an employee's constant obligation to render good judgment, full and prompt obedience to all provisions of the law, and to all orders neither illegal, hazardous to oneself or others, nor in conflict with deeply-held moral or religious convictions.
- III. All employees are subject to the provisions of these rules.
- IV. Improper conduct negatively affecting or reflecting upon the Department in any way will not be tolerated whether or not it is specifically mentioned and described in these rules.
- V. Acceptance of appointment with the department shall be acknowledgment of an employee's agreement to abide by these and all other rules.
- VI. Nothing in these rules is intended to conflict with the laws of the Commonwealth, or to infringe upon the constitutional rights of any employee.

# **Procedures**

# I. General Guidelines

- A. Standards of Public Service
  - 1. An employee's position with this department is one of responsibility and public trust. As such, and in order to maintain the dignity and public perception of the department, all employees must be discreet and prudent not only in their professional capacities, but in personal relationships, personal associations and places frequented (see policy \$239, <a href="Sexual Harassment">Sexual Harassment</a>).
  - 2. An employee's uniform, badge, identification or other official insignia shall be used only as is required in the course of his/her official duties, and then only discreetly and not for personal gain.

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3. All employees are required to conform their behavior to the ethical standards spelled out in G.L. c.268A.

# B. Appointment, Employment, Termination of Service

- 1. Selection for appointment to a position with the Department is based in part on statements contained in the employment application form. Discovery that any statement is false may lead to an employee's immediate discharge.
- 2. All employees shall be photographed for identification purposes. Identification photographs may be retaken as needed to keep them current.
- 3. All employees must report promptly in writing to the Director of Personnel any change in residential address, home telephone number, person to notify in case of emergency, or any other pertinent personnel data.
- 4. A minimum of two (2) weeks notice of resignation is required.

# C. Confidential Communications

- 1. The affairs of the Department or proposes in custody are confidential, and any discussion on these subjects shall be limited to that which is necessary in the performance of an employee's diffest and shall only be shared with persons authorized to receive such informed a
- 2. Any unauthorized disclosure related information by an employee shall constitute just cause for disciplinary actions.

  a) An inmate's (or detained S) primingst history dee related information is protected by the provisions of the Chamital/Receipt Offender Information (CORI) Act, detailed in G.L. c.6/\$172 outsets and new only be released to authorized persons in accordance with \$150 at the person of the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons in accordance with \$150 at the released to authorized persons at the released persons at the released to authorized persons at the released to authorized persons at the released persons at the re
  - b) An employee's personnel intermation (a autress, telephone, SSN) are considered confidential and will not be released will out authorization from the individual, a subpoena, or court order unless dissemination of such information is required in the ordinary course of department business.
  - c) Written or electronic information reperted by any division of the Department may or may not qualify as a public record eligible for release outside the Department. Except as is specifically authorized by Department policy or procedure, internal information may not be released outside the department unless and until the General Counsel or her designee has so authorized.
  - d) Release of any information pertinent to an on-going department investigation will be considered interference and will be disciplined accordingly. However, if the employee is the focus of the investigation, he/she may disclose any such information to his/her union representative and/or attorney to assist in his/her own defense.
- 3. Official records, papers, reports or copies of same shall not be removed from the institution without specific instruction or prior permission from the Superintendent except as is necessary for the performance of one's duties.

### D. Interactions with Public

1. Employees shall be courteous and professional in all public contact that may arise in the course of their duties.

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2. It is not inconceivable that an employee may encounter a member of the public who fails to treat the employee with the same courtesy. In such instances, employees are to retain their composure and refer the individual to their supervisor.

### 3. Tours:

- a) Formal tours of the institution may be arranged through the Office of Community Affairs and Project Development.
- b) Unless assigned to the CAPD office, employees may conduct tours only with prior approval of the Superintendent.
- c) Personal visitors of staff may be admitted to the facility but shall be escorted by staff and are generally restricted from inmate housing areas
- 4. No employee may give a public address or publish a writing that in any way holds the author out as a representative of the Department without the prior approval of the Special Sheriff.

### E. Interactions with the Media

- 1. Only the Sheriff or his Office of communications may make statements to the media or release news statement to dulletins concerning the business of the department.
- 2. The Department resurges the registrated depositing without or not the media will be permitted on the premit section of the premitted of the
- permitted on the premises?

  3. Media access to employees or initiates as recoverned by S130, <u>Inmate Media Access</u> and S131, <u>Public Information and S131</u> Access

# F. Interactions with the Other Employees and S

- 1. The mission of the Department requires recommended between and among employees, and therefore staff must be considerate and courteous in their working relationships.
- 2. An employee shall not foster discontent or engage in any activity that could lower the morale of another employee and must be discreet in the discussion of personal matters.
- 3. An employee may not inspect other employee's personnel information or other official documents, other than as is necessary in the official performance of their duties.
- 4. It is inappropriate for employees to attempt to influence, temper or rescind disciplinary action against another employee except through their union representatives.

## G. On-Duty Interactions With Inmates

- 1. When interacting with inmates, employees must act solely in the furtherance of the Department's two-fold mission: CUSTODY and CARE.
- 2. Such interaction with inmates shall provide protection from physical, emotional or sexual abuse, corporal punishment, personal injury, disease, property damage, discrimination and harassment.
- 3. Employee conduct shall be professional, objective, and unbiased in the application and enforcement of Department policies, rules and regulations.
- 4. Employees shall not discuss Department business with, or in the presence of, inmates except as is required by their duties.

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5. Employees must never express to an inmate a personal opinion, whether positive or negative, regarding another employee.

6. Personal employee information shall not be discussed with, or in the presence of, inmates.

7. Employees must not give inmates the impression that staff are in conflict with one another, since such impression may lead to attempts at manipulative behavior.

- 8. Employees shall not make reference to the nature of an inmate's offense(s), or to any visits with SID or outside law enforcement agencies, in the presence of any other inmate.
- 9. Except as is expressly required by their duties, employees shall not intercede or act on behalf of an inmate's custody status (with this Department or any another agency) without prior approval of the Superintendent.

10. Employees are prohibited from all forms of bartering, buying or selling, directly or indirectly, with inmates.

11. Employees shall not accept a fee, gift, gratuity or any item of value from an inmate:

12. Employees shall not provide any gift, gratuity, or any item of value to an inmate except as is required in the performance of their duties or as otherwise instructed by the Superintendent.

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Off-Duty Interaction With Innuites
 Employees must not a solvate with accompany of respond or consort with any inmate or former inmate except as a sequire d in the course of one's regular duties,

without first informing the Superintendent in writing.

2. Any other contact with a former inmate how covered by paragraph H1, above, must also be reported in writing to the Superintendent.

3. Employees must notify the Superintendent accordance or personal friend is

committed to this facility. Employees are exempt from reporting contact with relatives after their release from Department custody.

4. The purpose of this notice requirement is to lessen any potential embarrassment to, and avoid any suggestion of impropriety by, the employee concerned.

# I. Interaction With Inmates' Friends Or Family

- 1. Any contact with an inmate's relatives or friends must be reported in writing to the Superintendent.
- 2. Employees shall not accept a fee, gift, gratuity or any item of value from an inmate's family, friends, or any person acting on their behalf.
- 3. Employees shall not provide any fee, gift, gratuity, or any item of value to an inmate's family, friends, or any person acting on his/her behalf except as is required in the performance of their duties or as otherwise instructed by the Superintendent.

4. Conversation with inmate's visitors shall be limited to that which is required by an employee's duties.

# J. Fitness For Duty

1. Drug Policy

Use of illegal drugs and abuse of alcohol or prescription medication are incompatible with service in a law enforcement agency, and such conduct will be dealt with in accordance with S215, Drug Free Workplace.

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- a) The department will not tolerate the presence of illegal drugs or alcohol on its premises, nor will it tolerate any of its employees reporting for duty or engaging in official business of the Department while under the influence of alcohol or
- b) Any employee who, under doctor's care or otherwise, is taking any medication while on duty which may affect their performance in any way must report this fact to their supervisor and the Superintendent.
- c) No employee may dispense or give medicine of any type (prescribed or not) to an inmate unless:
  - i. the medication is administered in accordance with Health Services Policy #20, Medication Administration by a licensed nurse, physician or dentist;
  - ii. expressly authorized by the Superintendent or designee

2. Disability Or Need For Accommedation

- a) Any health problem, injury, or estriction which may affect an employee's job performance, or for which are employee may require an accommodation, must be medically documented antireported to his/her-division manager.
  b) Such documentation must sansiv the following requirements:

  be an original?
  be written or the stationery or the health care provider;
  contain an original signature of the health care provider;
- - iv. clearly state the specific physical restrictions the employee has due to the

  - illness or injur.

    v. list the expected duration of the restriction.

    vi. Division managers stall Econsula with the Director of Workers' Compensation on accommodations for work-related injuries, and with the Director of Personnel on a commodations for non-work-related injuries.

### 3. Length Of Work Day

- a) No officer may work more than sixteen (16) hours in a twenty-four (24)-hour period, and must not work in any capacity for eight (8) hours before returning to duty.
- b) This prohibition shall include regular shifts, overtime, training, community affairs events, and paid details.
- c) Should an employee be suspended for any reason, he/she may not work in any capacity during the twenty-four (24) hour period comprising said suspension day.

# 4. Conduct On Duty

- a) Employees must not engage in any amusement or activity while working which might interfere with the performance of duties.
- b) Televisions, radios, CD or tape players and the like are strictly prohibited from any control centers, and employees shall not use such devices while in the units.
- c) Reading material other than official department publications is prohibited while posted in a housing unit or control center.
- d) Cell phones are prohibited inside the institution unless issued by the department.

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e) Penalties for the misuse of department telephones and the generation of unauthorized charges may include restitution as well as discipline.

# 5. Conduct Off-Duty

- a) All employees must report any involvement with law enforcement officials pertaining to an investigation, arrest, or court appearance.
  - Such reports shall be made to the Special Sheriff within 24 hours of the involvement with law enforcement officials, or prior to the commencement of the employee's next shift, whichever is sooner.
  - ii. If the Special Sheriff is unavailable, reports shall be made to the Superintendent or Shift Commander at the appropriate institution.
- b) All employees must be circumspect in their choice of associates, and even casual interaction with known criminals, or with individuals engaged in unsavory activities, is inconsistent with employment by the department.

# K. Department Property And Equipment

- 1. Employees are responsible for make, control, and security of Department property.
- 2. If an employee's identification, baldies less conditions articles which bear official Department insigning a solution of the condition of t
- Department property shall include equipment restrictions, the physical plant and any items issued to employees on appearance of employary basis.
   Employees must report promptly medias dafface, destruction, or discovered malfunction of any Department property. At temperature of the loss, damage, destruction or make any destruction or make any destruction. destruction or maltunction, an employed may be prosecuted, disciplined and/or required to make restitution.
- 5. Department letterhead is for official use only. However, memoranda or reports intended solely for internal communication will use blank white paper, either with or without computer-generated headings.
- 6. Equipment issued for any period of time must be returned in good condition.
- 7. At the time of termination of employment for any reason, employees must return issued equipment, badges, key cards, identification cards, policy and training manuals, and any other county property in their possession.

# L. Reports

- 1. Employees are required to report in writing all unusual or significant events regarding Departmental operations or security in which they are involved or about which they have personal knowledge
  - a) Unless specifically authorized otherwise, these reports must be submitted promptly, but no later than the end of the employee's shift.
  - b) Reports are to be submitted to the employee's immediate supervisor, unless instructed otherwise by the investigating official or department policy.
  - c) Uniformed employees in posts requiring maintenance of a log book must maintain written records of ALL events that occur on their shift, whether or not unusual or significant.

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- 2. Employees must also file a written report whenever ordered to do so by any supervisor, SID, or any other department official authorized to conduct an investigation.
- 3. Whether or not the employee has previously submitted an oral or written report, employees must be truthful and cooperate if requested by SID (or any other office or individual appointed to conduct an investigation) to submit to an interview.
- 4. All reports generated in the course of an employee's duties are to be treated as confidential communications in accordance with paragraph C(2d), above.
- 5. Failure to report, false reporting, or interference with any employee's report may result in discipline or, in some cases, criminal prosecution.

### M. Attendance

- 1. Regular and punctual attendance is expected of all employees, and excessive absenteeism or tardiness will be dealt with firmly in accordance with policies S207, S208 and S209, Managing Attendance, and S211, Unauthorized Absence.
- 2. Employees may not exchange duties of swap days or hours of work without prior authorization of their Shift Commander (uniformed) or immediate supervisor (nonuniformed).
- 3. While off-duty and within the Commonwealth of Massachusetts, if informed by any means that an empropey exists cities in the many states of the must contact the institution and represent the contact th

# N. Administrative Procedures

- 1. It is the responsibility of each remployee policy to mual, and to understand and comply with the rules and procedures decine talkerena
- 2. When an employee does not understand a regulation, policy or an order, the employee is expected to seek explanation or clarification from his/her immediate supervisor.
- 3. All employees must scan official bullet boards when reporting for, and departing from duty, for the presence of official orders or notices.
- 4. Any person tampering with, removing, defacing, or marking such orders or notices without authorization shall be subject to disciplinary action.
- 5. After any absence from his/her regularly-scheduled shift, an employee shall inquire of his/her supervisor whether any important information was disseminated during his/her absence.

### II. Offenses

If it is determined that, by a preponderance of the evidence presented either at a formal hearing convened by the Sheriff or an informal hearing conducted by the Superintendent or his designee, an employee has committed any one of the following offenses, he/she is subject to discipline, up to and including termination:

- A. Physical abuse of an inmate
- B. Sexual contact with an inmate
- C. Possession of illegal drugs/alcohol while on/in department premises/vehicle
- D. A positive hair sample or urinalysis drug test

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- E. Sexual harassment of a subordinate employee
- F. Conviction of any crime
- G. Possession of drugs within the institution without authorization
- H. Acceptance of drugs/alcohol from, or delivery to, an inmate
- I. Giving false statements under oath or on an employment application
- J. Assault and/or battery on a fellow employee
- K. Assisting an inmate to escape or attempt to escape
- L. Use of excessive force
- M. Under the influence of drugs/alcohol when reporting for, or while on, duty
- N. Improper conduct
  - 1. Conduct unbecoming of an officer (uniformed personnel)
  - 2. Unprofessional conduct (non-uniformed personnel)
- O. Submission of a misleading, incorrect, or false report (either oral or written)
- P. Possession of contraband within the institution
- Q. Accepting contraband from, or delivering contraband to, an inmate
- R. Valid arrest or incarceration by a law enforcement agency
- S. Disrespect or insubordination:
  - 1. To a superior in the presence of inmate
  - 2. To a superior in the resence of subordina
  - 3. To a superior
- T. Discourtesy, disrespect, order of severity):
  - 1. To the public
  - 2. To a subordinate

  - To any Department employee in Tropics of the To any Department employee. 4. To any Department employ
  - 5. To any Department employee
- U. Inappropriate familiarity (in decreasing order
- - 1. With an inmate 2. With a fellow employee
  - 3. With visitors or the public
- V. Damage to property (in decreasing order of severity)
  - 1. Willful damage to county or any other property in the custody of the Department
  - 2. Negligent use, misuse, or misappropriation of, county or any other property in the custody of the Department Violation of Department policy (in decreasing order of severity).
  - 3. Failure to obey lawful oral or written order of a superior
  - 4. Failure to report a hazardous condition and take remedial action
  - 5. Interference with an investigation
  - 6. Failure to timely submit required reports/documentation
  - 7. Failure to report violations of Department rules, regulations, policies, or procedures committed in your presence or of which you had personal knowledge
  - 8. Failure to properly supervise subordinates, to discipline or recommend disciplinary charges, or to take proper action with subordinates
  - 9. Interference of off-duty employment with Department duties
  - 10. Failure to report change of residential address or telephone number to the Director of Personnel within five days of change
  - 11. Violation of any other Department rule, regulation, policy, or procedure (cite specific policy reference in charge)

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W. Improper/inappropriate attire:

1. Out of uniform (uniformed personnel)

- 2. Unprofessional attire (non-uniformed personnel)
- 3. Uncleanliness in person or dress
- X. Unauthorized absence
  - 1. AWOL (absence without leave)
  - 2. Misuse of sick leave
  - 3. Tardiness
  - 4. Abuse of sick leave
- Y. Offenses against public safety
  - 1. Unauthorized absence from, or abandonment of, post
  - 2. Neglect or dereliction of duty
  - 3. Inefficiency
  - 4. Fighting or quarreling with fellow employees
  - 5. Sleeping on duty
  - 6. Allowing an inmate to escape
  - 7. Violation of health and/or safety ru

III. Waivers And Modifications

A. Emergency

Provisions of these and other these may she temporarily waived or modified in an emergency situation by order of the Sherrift the special Sheriff or the Superintendent.

B. Collective Bargaining Agreemen Nothing in these rules shall be construed bargaining agreement.

with any relevant collective

C. Authority

If any article, section, subsection, sentence, clause or phrase of these or other Department policies, procedures or not orders is for any reason held to be unconstitutional, contrary to statute, in excess of the authority of the Sheriff or the Superintendent, or otherwise inoperative, such decision shall not affect the validity of any other part of this policy.